

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KEVIN COVINGTON,)	
)	
Plaintiff,)	
)	
v.)	No. 4:20-CV-755 RLW
)	
BRADEN SKAGGS, et al,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant Braden Skaggs’s Motion to Compel Discovery (ECF No. 39). Plaintiff, a pro se plaintiff, filed this 42 U.S.C. § 1983 action, alleging Eighth Amendment violations. On July 2, 2021, Skaggs served his First Request for Production of Documents and a medical authorization to Plaintiff. (ECF No. 29-1). Skaggs received Plaintiff’s executed medical authorization on July 23, 2021. (ECF No. 29 at 1, n.1). On August 18, 2021, Skaggs sent his Second Request for Production of Documents and First Set of Interrogatories to Plaintiff. (ECF No. 30-2). After Plaintiff did not respond, on October 1, 2021, Skaggs’ counsel sent a “golden rule” letter, asking Plaintiff to provide the requested discovery no later than October 15, 2021.¹ To date, Plaintiff has not answered the “golden rule” letter and has not provided responses to Skaggs’s Second Request for Production of Documents or First Set of Interrogatories.

On December 15, 2021, the Court ordered Plaintiff to show cause as to why he had not responded to Skaggs’s First Set of Interrogatories and Second Requests for Production of Documents no later than January 5, 2022. Likewise, the Court ordered Plaintiff to provide

¹ Typically, the Court requires the parties to discuss any discovery dispute in person or on the telephone. *See* E.D.Mo. L.R. 3.04(A). However, since Plaintiff is incarcerated, the Court finds that Skaggs has satisfied his obligation to attempt to resolve this dispute in good faith.

completed First Set of Interrogatories and Second Requests for Production of Documents no later than January 5, 2022. The Court also ordered Defendant Skaggs to provide a status report (ECF No. 42) to the Court. On January 19, 2022, Defendant Skaggs provided a status report to the Court, indicating that he had not received responses to Skaggs's First Set of Interrogatories and Second Requests for Production of Documents. Likewise, the Court notes that Plaintiff has not provided a response to the Court's show cause order.

Accordingly,

IT IS HEREBY ORDERED that Defendant Skaggs's Motion to Compel Discovery (ECF No. 39) is **GRANTED**. Plaintiff shall provide completed responses to Defendant Skaggs's First Set of Interrogatories and Second Requests for Production of Documents no later than **February 3, 2022**. **Failure to serve responses to Defendant Skaggs's First Set of Interrogatories and Second Requests for Production of Documents by February 3, 2022 will result in the imposition of sanctions, including but not limited to dismissal of Plaintiff's claims against Defendant Skaggs for failure to prosecute.** Defendant Skaggs shall file a status update no later than **February 10, 2022**.

Dated this 20th day of January, 2022.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE